



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(See Issuing Division below)



29 (1)  
FWPI  
SEP  
ALOE

PERMIT\*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1017-97-0003.2 SE 1017-97-0003.3 FWIP		Application No.	
Issuance Date NOV 26 1997	Effective Date NOV 26 1997	Expiration Date NOV 26 2002	
Name and Address of Applicant NJDOT/ Bruce Hawkinson 1035 Parkway Ave, PO 600 Trenton, NJ 08625-0600		Name and Address of Owner	Name and Address of Operator
Location of Activity/Facility (Street Address) Lot _____ Block _____		Issuing Division Land Use Regulation Program	Statute(s) NJSA 58:16A-50 NJSA 58:10A
Type of Permit Stream Encroachment Freshwater Wetlands	Maximum Approved Capacity, if applicable		

This permit grants permission to:

to divert an unnamed tributary of the Delaware River to the Delaware River, and channelize a portion of the tributary for a distance of approximately 1000 linear feet, upstream of the proposed diversion structure, which will result in the disturbance of 0.072 acres of freshwater wetlands and 0.257 acres of State open waters (total wetland and open water disturbance of 0.324 acres), all in connection with a flood control project for the City of Lambertville, in the County of Hunterdon, New Jersey.

Prepared By:

Sandra A. Blick

(See page 8 for Director's signature.)

Revised Date	Approved by the Department of Environmental Protection	
	Name (Print or Type) _____	Title _____
	Signature _____	Date _____

\* The word permit means "approval, certification, registration, etc."

(General Conditions are on the Reverse Side)

**This permit is subject to the following general conditions:**

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of this permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

**STREAM ENCROACHMENT PERMIT  
TERMS AND CONDITIONS:**

IN ADDITION TO THE GENERAL CONDITIONS PRINTED ON THE BACK OF PAGE ONE OF THIS PERMIT, THE FOLLOWING CONDITIONS SHALL ALSO APPLY:

9. Limit and Extent of Approval

- a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
- b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.

10. Method of Construction

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with Standards for Soil Erosion and Sediment Control in New Jersey (obtainable from local Soil Conservation District Offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any

**STREAM ENCROACHMENT PERMIT  
TERMS AND CONDITIONS:**

activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

**11. Responsibilities of Applicant**

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
- b. No construction authorized by this permit may begin until the enclosed permit acceptance form has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
- d. The enclosed construction notice shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The enclosed completion report shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.

12. All necessary local, Federal, and other State approvals must be obtained by the applicant prior to the commencement of the herein permitted activities. Approvals from the following may be required: Hunterdon County Soil Conservation District.

**STREAM ENCROACHMENT PERMIT  
TERMS AND CONDITIONS:**

13. All excavated material and dredged spoils must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
14. In order to protect the anadromous fishery resources within Island Creek, any proposed grading or construction activities within the banks of this or any other stream on site are prohibited between April 1 and June 30 of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse which could introduce sediment into said stream or which could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
15. The time limit for backfilling and stabilizing all earth work and for the removal of all temporary fill and other appurtenances in connection with the placement of storm water outfall structures, pipelines and other utility crossings shall be thirty (30) days after the commencement of construction for each individual stream crossing and/or section of the project along any stream channel. However, if the construction is located within an acid producing area, the backfilling must be completed without exposing any acid producing deposits for more than eight (8) hours.
16. Upon completion of the project, all temporarily disturbed upland areas within or affecting the regulated flood plain must be restored to their original condition using native soils and indigenous vegetation. Said restoration is to be accomplished under the recommendation and discretion of the local soil conservation district having jurisdiction over the project.
17. All necessary precautions must be employed to assure that no raw concrete comes in contact of the waters of the subject watercourses. Raw concrete is toxic to aquatic biota.
18. Stream flow shall be maintained throughout construction such that fish and other aquatic animals may continue to pass through the property.
19. The drawings hereby approved are eleven (11) sheets, prepared by the RBA Group, dated October 27, 1997, entitled:

"NEW JERSEY TRANSPORTATION ROUTE 29 (1) ROUTE 29 FLOOD RELIEF PROJECT"

STREAM ENCROACHMENT PERMIT  
TERMS AND CONDITIONS:

"PERMIT PLANS", sheets 3, 4, 5, 6, and 7 of 20,  
"CHANNEL CROSS SECTIONS", 9 and 10 of 20 and  
"CONSTRUCTION DETAILS", 13, 14, 15, and 17 of 20.

PROVISIONS OF THE FRESHWATER WETLANDS INDIVIDUAL PERMIT

CONDITIONS

An Individual Permit containing permit conditions is issued expressly contingent upon compliance with these conditions, and failure to comply with any or all of the permit conditions may result in an enforcement action, or suspension or revocation of the permit. This permit is issued subject to, and provided the following conditions can be met to the satisfaction of the Land Use Regulation Program.

STANDARD CONDITIONS

1. Any construction, grading, removal of vegetation, or other disturbance at this project site, within or affecting any regulated wetlands or transition areas other than specifically approved by this permit or detailed on the approved drawings shall require additional approvals from the Land Use Regulation Program.
2. All construction and/or activities on site shall be subject to inspection at any time by representatives of the Department.
3. All activities authorized by this permit shall be complete within five years of the issuance date; otherwise, this permit, if not previously revoked or specifically extended upon written application, shall automatically become null and void, and none of the activities referenced herein shall be commenced or continued until such time as this permit has been reinstated or until a new application has been submitted to and approved by the Department.
4. Waiver of Transition Area - The Land Use Regulation Program has determined that the wetlands affected by this permit are of intermediate resource value. This resource value classification is the basis for determining the standard width of the transition area required for the wetlands affected by this permit authorization. The authorization of activities under this freshwater wetlands individual Permit includes a transition area waiver. This waiver allows encroachment only in that portion of the transition area that has been determined by the Program to be necessary to accomplish the authorized activities. Any additional prohibited activities conducted within the standard transition area on-site, as defined

**STREAM ENCROACHMENT PERMIT  
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under N.J.A.C. 7:7A- 6.2(a), shall require a separate transition area waiver from the Program.

5. All other necessary governmental approvals must be obtained by the applicant including air quality permits if determined necessary by the appropriate offices.
6. This permit to conduct a regulated activity in a wetland or open water includes the Departments approval of a water quality certificate for these activities.
7. Any discharge of dredged or fill material shall consist of suitable material, free from toxic pollutants.
8. The permittee shall notify the Land Use Regulation Program at least 14 days prior to the initiation of construction of this project.

**MITIGATION CONDITIONS**

1. The wetland and open water mitigation project shall be conducted in conformance with the plans entitled, "Wetland Restoration Plan, Route 29 (1), Route 29 Flood Relief Project", sheet 8 of 20, dated October 2, 1997, unrevised and prepared by Frederick F. Scherrer of the RBA Group and "Wetland Restoration Details, Route 29 (1), Route 29 Flood Relief Project", sheet 19 of 20, dated October 2, 1997, unrevised and prepared by Frederick F. Scherrer of the RBA Group. This mitigation plan includes the installation of bio-logs and selected plantings along the unnamed tributary. The 15 foot wide restored stream bed in Island Creek shall be graded so that stream bed inverts match inverts up and downstream of the disturbance. The above are hereby incorporated as the approved mitigation plan and project.
2. The approved mitigation project must be completed concurrent with, the project approved by this permit. Restoration work must be completed concurrent with the regulated activity;
3. In accordance with N.J.A.C. 7:7A-14.1, obtain a secured bond, or other financial surety acceptable to the Department including an irrevocable letter of credit or money in escrow (or demonstrate that sufficient monies are dedicated in any construction contract), that shall be sufficient to hire an independent contractor to complete and maintain the proposed mitigation should the permittee default. The financial surety for the construction of the mitigation project shall be posted in an amount equal to 115 percent of the estimated cost of construction. In addition, financial surety to assure the success of the mitigation project shall be posted in an amount equal to 30 percent of the estimated cost of construction. The financial surety

**STREAM ENCROACHMENT PERMIT  
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will be reviewed annually and shall be adjusted to reflect current economic factors;

4. The applicant shall provide a copy of a deed restriction covering the approved mitigation site(s) that will provide that no regulated activities will occur in the mitigation area or its associated buffer area and that it will remain as a natural area in perpetuity. Proof that the deed restriction has been registered with the County Clerk (the Registrar of Deeds and Mortgages if applicable) is required within 60 days from the date of this permit.
5. Notify the Land Use Regulation Program, in writing, at least 14 days in advance of the start of construction for the approved mitigation project. That notice shall include a schedule from initiation to completion of the mitigation project including dates of excavation, planting, fertilizing, etc.;
6. Immediately following final grading and planting of the approved mitigation project, notify the Land Use Regulation Program, in writing, that the construction of the mitigation project is complete. In addition to the notice, submit photos with a photo location map of the completed project;
7. Monitor the approved mitigation project for 3 years after the approved mitigation project has been constructed. Monitoring reports will be submitted to the Land Use Regulation Program no later than September 15th of each monitoring year (Monitoring report requirements are attached to this permit);
8. The third and final monitoring report will include the following information:
  - a. Documentation to demonstrate that the goals of the approved mitigation project, as stated in the approved mitigation plan and the permit, have been satisfied. Documentation will also include a field wetland delineation of the approved mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
  - b. Evidence to document 85 percent survival and 85 percent areal coverage of the mitigation plantings.
9. Once the required monitoring period has expired AND the permittee has submitted the final monitoring report, the Program will make the finding (In writing and within 60 days of receipt of the monitoring report) that the mitigation project is either a success or a failure. THIS MITIGATION PROJECT WILL BE CONSIDERED SUCCESSFUL IF THE PERMITTEE DEMONSTRATES THAT 0.106 OF AN ACRE OF PALUSTRINE



**STREAM ENCROACHMENT PERMIT  
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SCRUB/SHRUB WETLANDS HAVE BEEN CREATED AS DESCRIBED IN THE APPROVED MITIGATION PLAN, THE SITE HAS AN 85 PERCENT SURVIVAL AND 85 PERCENT AREAL COVERAGE OF THE MITIGATION PLANTINGS AND THE MITIGATION SITE MEETS THE GOALS AS STIPULATED IN THE APPROVED MITIGATION PLAN;

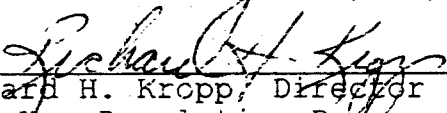
10. If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan to rectify the wetland mitigation site. The permittee will have 60 days to submit said plan following receipt of the letter from the Program indicating the approved mitigation project was a failure.

**SPECIAL CONDITIONS**

1. The drawings hereby approved are eleven (11) sheets, prepared by the RBA Group, dated October 27, 1997, entitled:

"NEW JERSEY TRANSPORTATION ROUTE 29 (1) ROUTE 29 FLOOD RELIEF PROJECT"

"PERMIT PLANS, sheets 3, 4, 5, 6, and 7 of 20,  
"CHANNEL CROSS SECTIONS", 9 and 10 of 20 and  
"CONSTRUCTION DETAILS", 13, 14, 15, and 17 of 20.

  
\_\_\_\_\_  
Richard H. Kropp, Director  
Land Use Regulation Program

  
\_\_\_\_\_  
Date



Lambertville  
SEP  
Secondary

## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection  
Land Use Regulation Program  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 777-3656  
www.state.nj.us/dep/landuse

Robert C. Shinn, Jr.  
Commissioner

January 5, 2001

Bruce Hawkinson  
Supervising Environmental Specialist  
Division of Project Management  
Department of Transportation  
P. O. Box 600  
Trenton NJ 08625-0600

RE: Stream Encroachment Permit No. 1017-97-0003.2  
Stream Encroachment Modification In Detail No. 1017-97-0003.4  
Project: Delaware Avenue Trunk Line  
City of Lambertville, Hunterdon County

Dear Mr. Hawkinson

This is in reference to the permit issued for the referenced project which proposes to construct a flood control project for an unnamed tributary of the Delaware River, near Route 29, City of Lambertville, Hunterdon County, New Jersey.

This letter approves a Modification-In-Detail to add inlets along another tributary of the Delaware River, in order to increase uptake of flood waters to be directed towards the Diversion Structure, to replace micro tunneling operations with cut and cover trench work along Delaware Ave., and to perform other minor drainage changes.

The drawings approved with this modification are eleven (11) sheets prepared by The RBA Group, dated December 15, 2000, unrevised, unless otherwise noted, entitled:

"STREAM ENCROACHMENT AND WETLANDS PERMITS MODIFICATION PLANS ROUTE 29 CONTRACT NO. 019970149A", sheet nos. 1, 2 and 3 of 3, dated October 16, 2000,

"NEW JERSEY DEPARTMENT OF TRANSPORTATION DRAINAGE & UTILITY CONSTRUCTION PLANS ROUTE 29 CONTRACT NO. 019970149A", sheet nos. 5, 6, 7, 15, 16, 17, 18, and 46 of 50

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All necessary local, Federal and other State approvals must be obtained by the applicant prior to the commencement of the herein permitted activities under this modification. Specifically, approval from the Army Corps of Engineers, and the N.J. office of Historic Preservation Office is required for the original project and this modification. Also, authorization from this office is required for any additional wetlands, waters, or transition area impacts not previously approved.

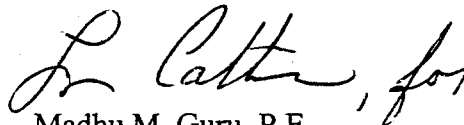
Any proposed grading or construction activities within or along any tributaries or the Delaware and Raritan Canal is prohibited between April 1 to June 30 of each year. In addition, any activity within the regulated flood plain which could introduce sediment into the stream or which could cause an increase in the natural turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

Trees, shrubs, grasses and other vegetation within 25 feet of the top of all stream banks on site shall not be disturbed for any reason, except where approved by the Department. This condition applies to all streams and waterways on site, regardless of the contributory drainage areas. The temporarily disturbed areas as shown on the approved drawings shall be replanted with native trees, shrubs and grasses.

All other conditions of the original permit will remain in effect along with the original expiration date.

If you have any questions concerning the above, please contact me at (609) 984-0194.

Very truly yours

A handwritten signature in dark ink, appearing to read "L. Catter, for", is written over the typed name.

Madhu M. Guru, P.E.

- Section Chief

Northwest & Central Engineering Section

c: City of Lambertville Engineer and Clerk  
City of Lambertville Construction Official  
Hunterdon County Engineer



## State of New Jersey

Christine Todd Whitman  
Governor

Department of Environmental Protection  
Land Use Regulation Program  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 292-8115  
Fax # (609) 777-3656

Robert C. Shinn, Jr.  
Commissioner

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APR 09 1999

Bruce Hawkinson  
Department of Transportation, Office of Project Management  
1035 Parkway Ave., CN 600  
Trenton, NJ 08625-0600

RE: Permit Modification  
File No. 1017-97-0003.2  
Route 29 Flood Relief Project  
City of Lambertville, Hunterdon County

Dear Mr. Hawkins:


This is in response to your request for a modification to the above Freshwater Wetlands Individual Permit issued by the Program. The plan submitted to this office entitled, "PERMIT PLANS ROUTE 29(1) ROUTE 29 FLOOD RELIEF PROJECT", sheet 6 of 20, dated October 24, 1997 shows additional disturbance to the wetland transition area on site. The additional work includes the relocation of the proposed earthen berm at the northern project limits, approximately 8 meters to the north to lessen impacts to recreational activities. In addition Ely Field is to be regraded to allow positive drainage within the field limits. The modifications will increase the limit of disturbance of intermediate resource value transition area by 0.27 acres.

Since the additional transition area to be disturbed is maintained grass field and will be returned to grass after regrading, the Program approves of the additional disturbance with the following condition:

1. Any trees removed which are greater than 4 inches in diameter must be replaced.

If you have any questions concerning this letter, please contact Diane Dow of my staff at (609) 777-0454.

Sincerely,

  
Richard Brown, Section Chief  
Bureau of Inland Regulation

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APR 14 1999

DIV. OF PROJECT MANAGEMENT



DONALD T. DiFRANCESCO  
Acting Governor

State of New Jersey  
Department of Environmental Protection  
Land Use Regulation Program  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 777-3656  
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Secondary  
Robert C. Shinn, Jr.  
Commissioner

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DIV. OF PROJECT MANAGEMENT

APR - 4 2001

Bruce Hawkinson  
Department of Transportation  
Division of Project Management  
P.O. Box 600  
Trenton, New Jersey 08625-0600

Re: Freshwater Wetlands Individual Permit - Modification  
File No. 1017-97-0003.5  
Project: Route 29, Installation of Delaware Avenue Trunk Line  
City of Lambertville, Hunterdon County

Dear Mr. Hawkinson,

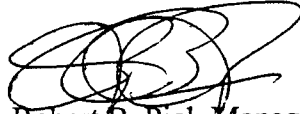
This is in response to your request for a modification of the Freshwater Wetlands Individual Permit which was issued by the Department on November 26, 1997.

Our office has reviewed the information you submitted, and subsequently has no objection to the construction of a secondary drainage diversion system behind Lambertville Elementary School and extension of a geotextile liner in the Delaware and Raritan Canal. Said project modifications shown on the plans entitled, "STREAM ENCROACHMENT AND WETLANDS PERMITS MODIFICATION PLANS ROUTE 29 CONTRACT NO. 019970149A", consisting of 3 sheets, dated October 16, 2000 and plans entitled, "NEW JERSEY DEPARTMENT OF TRANSPORTATION DRAINAGE & UTILITY CONSTRUCTION PLANS ROUTE 29 CONTRACT NO. 019970149" Sheet nos. 5, 15, 16, 17, and 18 of 50, dated December 15, 2000, all prepared by Fredrick F. Scherrer, P.E., will temporarily disturb .35 acres of wetlands and waters. The temporarily disturbed areas as shown on the approved drawings shall be restored and replanted once that portion of the project is complete.

All necessary local, Federal and other State approvals must be obtained by the applicant prior to the commencement of the herein permitted activities under this modification. Specifically, approval from the Army Corps of Engineers, and the New Jersey Historic Preservation Office is required for the original project and this modification. Please be reminded that all other conditions of the original permit shall remain in effect along with the original expiration date.

Please contact Diane Dow of my staff at (609) 777-0454 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to be "R. B. Piel", written in a cursive style.

Robert B. Piel, Manager  
Bureau of Inland Regulation  
Land Use Regulation Program

c: Sam Reynolds, USACOE – Philadelphia District  
Historic Preservation Office  
City of Lambertville Clerk